



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 27, 1996

Mr. Hector M. Lozano  
City Attorney  
City of Pearsall  
511 N. Oak  
Pearsall, Texas 78061

OR96-2462

Dear Mr. Lozano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103937.

The City of Pearsall's Police Department (the "department") received a request for information regarding charges filed either by the requestor's child or the child's mother. You assert that the requested information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The requested information is made confidential by section 261.201(a) of the Family Code which provides as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Because the requested information involves charges of sexual assault against a minor, the records are within the scope of section 261.201 of the Family Code. You have not cited any specific rule that the department has adopted with regard to the release of this type of information; therefore, we assume that no such regulation exists. Given this assumption, the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 (1986) at 2 (predecessor statute). Accordingly, the department must withhold these records.<sup>1</sup> Further, because section 261.201(a) protects all "files, reports, communications, and working papers" related to an investigation of child abuse, the department must not release first page offense report information in cases of alleged child abuse.<sup>2</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref.: ID# 103937

Enclosures: Submitted documents

cc: Mr. David Richey  
911 E. Rio Grande Street  
Pearsall, Texas 78061  
(w/o enclosures)

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<sup>1</sup>We note, however, that if the Texas Department of Regulatory Services has created a file on this alleged abuse, the child's parent(s) may have the statutory right to review that file. *See* Fam. Code § 261.201(f).

<sup>2</sup>Having resolved the matter under section 261.201 of the Family Code, we need not address your claims under sections 552.103 and 552.108.